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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,809	06/18/2001	Wolfgang Steck	ZTP 98 P3024	2557

7590 11/19/2003

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EXAMINER

STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,809

Applicant(s)

STECK ET AL.

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6 and 8-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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1. Claims 4, 7 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected specie, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5, 6, 16 and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Germany 36 27 732 (Germany'732).
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Germany'732 in view of Langer.

Claim 3 defines over Germany'732 only in the recitation of the heating device being disposed on the pump housing on the side of the pump facing the motor. Langer is cited disclosing a pump having a housing with a heating device disposed on the pump housing on the side of the pump housing facing the motor. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Germany'732, to have the heating device on the pump housing facing the motor for the purpose of providing a more compact arrangement.

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6. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Germany'732.

Claim 8 defines over the Germany'732 only in the recitation of a bearing part on the pump housing, for bearing the heating device on the housing, being made of stainless steel. Nonetheless, to employ one material over another material (as that material taught by Germany'732) is deemed to be an obvious matter of design (see MPEP 2144.06, "SUBSTITUTING EQUIVALENTS KNOWN FOR THE SAME PURPOSE").

This also applicable to the applicable to the subject matter of claims 9.

7. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Germany'732 in view of Wright.

Claims 1-13 define over the applied prior art only in the recitation of the temperature/pressure/thermostatic switch. Wright discloses the temperature/pressure/thermostatic switch (47) It therefore would have been obvious to one having ordinary skill in the art to modify the pump of Germany'732, to include a switch as taught by Wright, for the purpose of controlling the pump and thereby preventing damage to the same.

8. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Germany'732 in view of either Stover et al., Slayter, or UK 2,212,901 (UK'901). Claim 14 and 15 define over Germany'732 only in the recitation of the insulating layer and the protective cover. Stover, Slayter and UK'901 are all cited disclosing heating systems where there is provided a heating element, insulation and a protective cover. It therefore would have been obvious to one having ordinary skill in the art to modify the

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device of Germany'732, to include insulation and a cover as taught by either Stover, Slayter or UK'901, for the purpose of preventing injury to the user.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Fukui, UK'609, Booth, Japan'060, Eilentropp, Japan'393, Japan'093, Japan'047, Miller, UK'371, WO'672 and France'777, note the pump/heater means.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (703) 308-0661. The examiner can normally be reached during the first week of the pay-period M-F from 5:30 a.m. to 3:00 p.m. and during the second week of the pay-period from Tu-Th second from 5:30 a.m. to 3:00 p.m. and on Fri. from 5:30 a.m. to 2:00 p.m. Alternating Mondays off.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (NON-FINAL REJECTION STATUS) and (703) 872-9311 (AFTER-FINAL REJECTION STATUS).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact Office Manager Ms. Sandra Sewell (703) 308-0661.

ATTENTION:

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As a result of the move of the USPTO Group Art Unit 1746 into its new campus on December 17, 2003, the examiner's new telephone number will be (571) 272-1308 and the fax number will be (571) 273-1308.

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FRANKIE L. STINSON
Primary Examiner
Art Unit 1746